

STATE OF GEORGIA
CITY OF FOREST PARK

ORDINANCE NO. 14-21

AN ORDINANCE TO AMEND THE MISDEMEANOR SENTENCING PENALTY IN TITLE 1, CHAPTER 1 AND TITLE 5, CHAPTER 2 OF THE CODE OF THE CITY OF FOREST PARK, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Forest Park, Georgia is the Mayor and Council thereof;

WHEREAS, it has been determined that it is necessary to amend the Code of the City of Forest Park, Georgia with respect to the misdemeanor sentencing penalty; and

WHEREAS, the health, safety, and welfare of the citizens of Forest Park, Georgia, will be positively impacted by the adoption of this Ordinance.

WHEREAS, the Code of the City of Forest Park, Georgia, with respect to the misdemeanor sentencing penalty, will be in compliance with State and Federal law by the adoption of this Ordinance.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA and by the authority thereof as follows:

Section 1. That section 1-1-8, Chapter 1, Title 1 of the Code of the City of Forest Park, Georgia is hereby amended to read as follows:

"Sec. 1-1-8. General penalty.

Any person who violates any section or provision in this Code or in any ordinance of the city by doing any act which is prohibited or is made or declared to be unlawful or an offense, or who fails to do any act which is required by said Code or ordinance, shall, after trial and if convicted in the appropriate Forest Park Municipal Court, be guilty of a misdemeanor and punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisoned for a period not to exceed six (6) months and one (1) day, unless otherwise noted in this Code or other specific ordinance."

Section 2. That section 5-2-17, Chapter 2, Title 5 of the Code of the City of Forest Park, Georgia is hereby amended to read as follows:

"Sec. 5-2-17. Administration and enforcement of chapter.

- (a) *The director of public works shall be responsible, subject to the supervision of the city manager, for the administration and enforcement of the provision of this chapter. He may call upon the chief of police for assistance.*
- (b) *The director of public works shall have the right to appoint sanitation supervisors who shall have the authority, and whose duty it shall be, to make routine inspections of garbage cans, containers and garbage collection areas and determine the serviceability and conditions of the same. The director or the sanitation supervisors shall issue a written notice to the owner or occupant of the premises informing the owner or occupant of an unacceptable condition, specifying same. The owner or occupant shall be given a reasonable time to correct the condition which the notice specifies, and upon failure to correct same, the director or the supervisor shall have the duty of issuing a summons directed to the responsible party to appear in the Forest Park Municipal Court, Environmental Division to answer the charge of violation of the appropriate section of this chapter. Supervisors appointed by the director of public works shall have concurrent authority with the said director to enforce all the provisions of this chapter and any such person shall have the authority to issue a summons to any violator of any provisions hereof to appear in the Forest Park Municipal Court, Environmental Division of the city to answer to the charge of violation of the appropriate section of this chapter.*
- (c) *Any homeowner who violates any section or provision of this chapter, shall, upon failure to correct the specified condition after being given notice thereof to do so, be issued a citation for said violation and be required to appear in the Forest Park Municipal Court, Environmental Division, to answer said citation, and after trial and if convicted, shall be guilty of a misdemeanor and required to pay a fine in an amount not less than two hundred fifty dollars (\$250.00) on a first conviction; a fine not less than five hundred dollars (\$500.00) on a second conviction; and a fine of not less than one thousand dollars (\$1,000.00) on a third or more conviction; and/or imprisoned for a period not to exceed six (6) months and one (1) day. Each container obtained in violation of this chapter shall constitute a separate violation and offense hereunder, and punished accordingly.*
- (d) *Any commercial establishment or entity or any of its agents, who violate any section or provision of this chapter, shall, upon failure to correct the specified condition within twenty-four (24) hours after being given notice thereof to do so, be issued a citation and required to appear in the Forest Park Municipal Court, Environmental Division, to answer said citation, and after trial and if convicted, shall pay a fine in an amount not to exceed one thousand dollars (\$1,000.00) for each violation. Additionally, for any such violation by the commercial establishment or entity or any of its agents, the director of public works may also cause said establishment or entity to cease operations, construction, or development, as the case may be, until the violation has been corrected by said establishment or entity or its agents. Each container obtained in violation of this chapter shall constitute a separate violation and offense hereunder, and punished accordingly."*

Section 3. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Forest Park.

Section 5. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

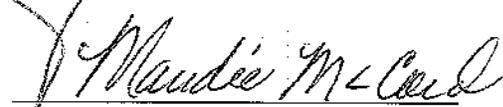
Section 7. This Ordinance shall become effective upon its adoption.

ORDAINED this 2nd day of September, 2014.

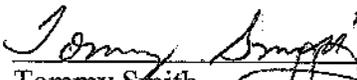
CITY OF FOREST PARK, GEORGIA



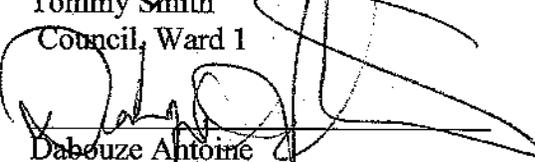
Mayor David Lockhart



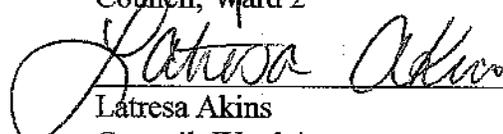
Maudie McCord, Mayor Pro-tem
Ward 3



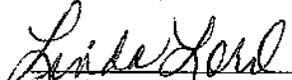
Tommy Smith
Council, Ward 1



Dabouze Antoine
Council, Ward 2



Latresa Akins
Council, Ward 4



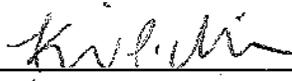
Linda Lord
Council, Ward 5

Attest:



City Clerk

Approved as to Form:



City Attorney